

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil File No. 04-2670 MJD/JGL

SCOTT MALCOLM and TIM MCGOUGH, as Trustees of the Carpenters & Joiners Welfare Fund, Twin City Carpenters Pension Master Trust Fund, Carpenters and Joiners Apprenticeship and Journeymen Training Trust Fund, and Twin City Carpenters Vacation Fund; and each of their successors,

JOHN BOSQUEZ and GARY LARSON, as Trustees of the Minneapolis Painting Industry Health & Welfare Fund, Minneapolis Local 386 Drywall Finishing Industry Pension Fund, Minneapolis Painting Industry Pension Fund, Minneapolis Painting Industry Vacation and Holiday Fund; MICHAEL GAVANDA and JAMES SMALLEN, as Trustees of the Minnesota Finishing Trades Training Fund; and each of their successors,

JEFF JEWETT and JOHN NAKASONE, as Trustees of the St. Paul Painting Industry Health & Welfare Fund, St. Paul Painting Industry Pension Fund, St. Paul Painting Industry Vacation Fund; and each of their successors,

Plaintiffs,

vs.

ORDER FOR
SUMMARY JUDGMENT

MICHAEL J. HALL, d/b/a MLC CONSTRUCTION,

Defendant.

This Matter came before the Court pursuant to the Plaintiffs' Motion for Summary Judgment. Amanda R. Cefalu appeared for Plaintiffs. Jamie Pierce, Esq., appeared for Defendant.

Based on all the records and proceedings herein, including the written and oral submissions of counsel:

1. Defendant's Motion to Strike Paragraph 5 of the Wilson Affidavit is denied.
2. Plaintiffs' Motion for Summary Judgment is granted in part.
3. Defendant is liable for all unpaid fringe benefit contributions found to be due and owing pursuant to the Collective Bargaining Agreement between the Minnesota Drywall and Plaster Association and the Painters and Allied Trades District Council No. 82 of Minnesota and the International Union of Painters and Allied Trades, AFL-CIO and the Collective Bargaining Agreement between the Lakes and Plains Regional Council of Carpenters and Joiners and the Carpentry Contractors Association and the Minnesota Drywall and Plaster Association.
4. This matter may proceed to trial solely for the purpose of ascertaining Plaintiffs' damages therein.

IT IS SO ORDERED

Dated: June 23, 2005

BY THE COURT

s/ Michael J. Davis
Michael J. Davis
United States District Court Judge